

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No 17-CR-57

JOEL RIVERA,

Defendant.

JOINT FINAL PRETRIAL REPORT

The United States of America, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Carol L. Kraft and Benjamin A. Wesson, Assistant United States Attorneys, and the defendant, Joel Rivera, by his attorney, Jacob A. Manian, hereby submit the following Joint Pretrial Report for the above captioned case.

SUMMARY OF THE CHARGES

The defendant, Joel Rivera is charged in a ten-count indictment, which alleges five counts of robbery affecting interstate commerce and five counts of possessing and brandishing a firearm in furtherance of robbery.

Counts One and Two charge that on January 4, 2017, the defendant, Joel Rivera, together with Antonio Thomas, committed a robbery at the Taqueria Los Gallos/Geno Nottolinis at 1800 South 13th Street, Milwaukee, Wisconsin, and that they knowingly possessed and brandished a firearm in furtherance of that robbery.

Counts Three and Four charge that on January 5, 2017, the defendant, Joel Rivera, together with Antonio Thomas, committed a robbery at the Taqueria Aranda, 1531 West Lincoln Avenue, Milwaukee, Wisconsin, and that they knowingly possessed and brandished a firearm in furtherance of that robbery.

Counts Five and Six charge that on January 9, 2017, the defendant, Joel Rivera, together with Antonio Thomas, committed a robbery at the Subway, 2244 North Martin Luther King Jr., Drive, Milwaukee, Wisconsin, and that they knowingly possessed and brandished a firearm in furtherance of that robbery.

Counts Seven and Eight charge that on January 11, 2017, the defendant, Joel Rivera, together with Antonio Thomas, committed a robbery at the Family Dollar Store, 3045 South 13th Street, Milwaukee, Wisconsin, and that they knowingly possessed and brandished a firearm in furtherance of that robbery.

Counts Nine and Ten charge that on January 17, 2017, the defendant, Joel Rivera, together with Antonio Thomas, committed a robbery at the Family Dollar Store, 7616 West Hampton Avenue, Milwaukee, Wisconsin, and that they knowingly possessed and brandished a firearm in furtherance of that robbery.

Joel Rivera has pleaded not guilty to these charges.

ANTICIPATED LENGTH OF TRIAL

The parties anticipate that the trial will last approximately one and one half weeks.

STIPULATIONS OF FACT BETWEEN THE PARTIES

The parties will stipulate that the three restaurants and two convenience stores identified in Counts 1, 3, 5, 7, and 9 of the indictment are business establishments engaged in the sale of articles and commodities in interstate commerce.

The parties will further stipulate that video and still photos clipped from the video are true and correct copies of surveillance video recovered from the five business establishments on the dates of the alleged offenses. A draft with the language of these stipulations is attached to this report as Attachment A.

WITNESSES

Lists of the parties' potential witnesses, together with their city of residence are attached as Government Attachment B and Defendant Attachment B.

EXPERT WITNESSES

The government may call Special Agent Joseph Raschke. Agent Raschke has been employed as a Special Agent with the Federal Bureau of Investigation since January 1998. He is a member of the Federal Bureau of Investigation's Cellular Analysis Survey Team (CAST), an experienced, specially trained group of experts in historical cell site analysis. Agent Raschke has participated in more than 500 hours of training covering various case scenarios, cellular technology, software mapping tools, and the use of industry-standard radio frequency signal detection equipment and software to measure and map the actual coverage footprint within a particular cell tower sector. Additional details about Agent Raschke's background and training are summarized in the curriculum vitae attached as Attachment C.

Agent Raschke may testify about the basic principles of historical cell-site analysis and about historical cell-site information and toll records associated with T-Mobile cellular telephone number (414) 766-8903 and Sprint cellular telephone number (414) 982-0698.

EXHIBIT LIST

The parties' exhibits lists are attached as Government Attachment D and Defendant Attachment D.

VOIR DIRE QUESTIONS

The parties' voir dire questions are attached as Government Attachment E and Defendant

Attachment E.

JURY INSTRUCTIONS

A list of the Seventh Circuit Pattern jury instructions requested by the parties is attached as Attachment F.

VERDICT FORM

A proposed jury verdict is attached as Attachment G.

REQUEST FOR A COURT REPORTER

The parties request the services of court reporter at trial.

ALTERNATE JURORS

The parties request that two alternate jurors be selected.

Respectfully submitted this 8th day of September 2017.

GREGORY J. HAANSTAD
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